

MESSAGE NO: 0217304 MESSAGE DATE: 08/05/2010

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: ALI-Auto Liquidation

FR CITE: 75 FR 44224 FR CITE DATE: 07/28/2010

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-855

EFFECTIVE DATE: 07/28/2010 COURT CASE #:

PERIOD OF REVIEW: 06/01/2009 TO 05/31/2010

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NON-REVIEW LIQUIDATION INSTRUCTION FOR NON-FROZEN APPLE-JUICE
CONCENTRATE FROM CHINA (A-570-855)

1. COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING FINDINGS/DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED PURSUANT TO SECTION 751(A)(1) OF THE TARIFF ACT OF 1930 AND IN ACCORDANCE WITH SECTION 351.213 OF COMMERCE'S REGULATIONS.

2. THE LIQUIDATION AND CASH-DEPOSIT RATES FOR FIRMS WITH A NON-MARKET ECONOMY SEPARATE RATE, FOR WHICH AN ANTIDUMPING ADMINISTRATIVE REVIEW WAS NOT REQUESTED, WILL NOT BE REVISED FOR THIS PERIOD. THE FIRMS LISTED BELOW HAVE BOTH A NON-MARKET ECONOMY SEPARATE RATE AND ARE NOT SUBJECT TO THE REVIEW FOR THE PERIOD 06/01/2009-05/31/2010. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(C) OF DEPARTMENT OF COMMERCE REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION FOR THE FIRMS LISTED BELOW AT THE CASH-DEPOSIT OR BONDING RATE IN EFFECT AT THE TIME OF ENTRY.

NON-FROZEN APPLE-JUICE CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA
A-570-855

06/01/2009-05/31/2010

LIQUIDATE ALL ENTRIES FOR FIRMS LISTED BELOW:

SHAANXI MACHINERY & EQUIPMENT IMPORT/EXPORT CORP.
A-570-855-007

XIAN ASIA QIN FRUIT CO., LTD.
A-570-855-008

XIANYANG FUAN JUICE CO., LTD.
A-570-855-009

CHANGSHA INDUSTRIAL PRODUCTS & MINERALS IMP/EXP CO
A-570-855-010

SHANDONG FOODSTUFFS IMPORT/EXPORT CORP.
A-570-855-011

GANSU TONGDA FRUIT JUICE & BEVERAGE CO. LTD.
A-570-855-012

SHAANXI GOLD PETER NATURAL DRINK CO., LTD.
A-570-855-013

SHAANXI HENGXING FRUIT JUICE CO., LTD.
A-570-855-014

YANTAI GOLDEN TIDE FRUITS & VEGETABLE FOOD CO., LTD.
A-570-855-015

TONGDA FRUIT JUICE AND BEVERAGE LIQUAN CO., LTD.
A-570-855-016

TONGDA FRUIT JUICE & BEVERAGE BINXIAN CO., LTD.
A-570-855-017

ITOCHU CORPORATION
A-570-855-018

3. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

4. ENTRIES OF MERCHANDISE OF FIRMS NOT LISTED ABOVE SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER COMPLETION OF THE ANTIDUMPING ADMINISTRATIVE REVIEW FOR THE PERIOD 06/01/2009-05/31/2010. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE THAT WERE EXPORTED BY THE UNLISTED FIRMS AND ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 06/01/2009 THROUGH 05/31/2010 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW FOR THE 06/2010 ANNIVERSARY MONTH (75 FR 44224, 07/28/2010). FOR ALL OTHER SHIPMENTS OF NON-FROZEN APPLE-JUICE CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES AT THE CURRENT CASH DEPOSIT RATES OR PER-UNIT AMOUNTS.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(F)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O9:AV).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-855-007	0.00	E		SHAANXI MACHINERY & EQUIPMENT IMPORT/EXPORT CORP.
A-570-855-008	0.00	E		XIAN ASIA QIN FRUIT CO., LTD.
A-570-855-009	3.83	E		XIANYANG FUAN JUICE CO., LTD.
A-570-855-010	51.74	E		CHANGSHA INDUSTRIAL PRODUCTS & MINERALS IMP/EXP CO
A-570-855-011	0.00	E		SHANDONG FOODSTUFFS IMPORT/EXPORT CORP.
A-570-855-012	0.00	E		GANSU TONGDA FRUIT JUICES & BEVERAGE CO. LTD.
A-570-855-013	0.00	E		SHAANXI GOLD PETER NATURAL DRINK CO., LTD.
A-570-855-014	0.00	E		SHAANXI HENGXING FRUIT JUICE CO., LTD.
A-570-855-015	6.34	E		YANTAI GOLDEN TIDE FRUITS & VEGETABLE FOOD CO., LTD.
A-570-855-016	0.00	E		TONGDA FRUIT JUICE AND BEVERAGE LIQUAN CO., LTD.
A-570-855-017	0.00	E		TONGDA FRUIT JUICE & BEVERAGE BINXIAN CO., LTD.
A-570-855-018	0.00	E		ITOCHU CORPORATION